



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|----------------------------|------------------|
| 09/675,412 | 09/29/2000 | Russell Anderson | 5240 | 9663 |
| 22862 | 7590 | 01/16/2007 | | |
| GLENN PATENT GROUP 3475 EDISON WAY, SUITE L MENLO PARK, CA 94025 | | | EXAMINER KESACK, DANIEL | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 3691 | |

| SHORTENED STATUTORY PERIOD OF RESPONSE | MAIL DATE | DELIVERY MODE |
|--|------------|---------------|
| 3 MONTHS | 01/16/2007 | PAPER |

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

| | | | |
|------------------------------|--------------------------------------|--|--|
| Office Action Summary | Application No. 09/675,412 | Applicant(s) ANDERSON ET AL. | |
| | Examiner Dan Kesack | Art Unit 3691 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 October 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 and 14-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 and 14-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Amendment filed October 25, 2006 has been entered and fully considered.

Claims 1-23 are currently pending. The rejections are as stated below.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-23 remain rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1, 14, 18, 19, the phrase "high categorical data", and claim 20, the phrase "high categorical information elements" renders the claim indefinite because the claim language and specification do not allow one of ordinary skill in the art to determine what is considered "high categorical".

Response to Arguments

4. Applicant's arguments filed 10/25/06 have been fully considered but they are not persuasive.

Applicant argues that the specification provides support which renders the phrase "high categorical data" definite. Examiner respectfully disagrees.

On pages 10 and 11 of Applicant's specification, Applicant describes Low Categorical data fields, and High Categorical data fields. According to Applicant's invention, there is a clear distinction between high and low categorical data, as well as a distinction between how they are used. However, these descriptions do not provide criteria for determining whether particular data is high categorical or low categorical. Based on Applicant's remarks, and Applicant's specification, the distinction is apparently based on the number of potential values of said data, wherein low categorical data has a small number of potential values, and high categorical data has a high number of potential values.

Applicant provides examples of low categorical fields, such as a Keyed/Swiped indicator, and MOTO indicator, which have two potential values, a numerical code field which has 10 potential values (1-10), and a 4-digit MCC field which has 10,000 potential values (0000-9999). Accordingly, on page 10, Applicant describes that high-categorical fields can take a very large number of potential values, such as a field with free text.

While Applicant describes the difference between high-categorical and low-categorical data fields, this does not help to clarify what would be considered high-categorical data.

Applicant has further provided as support, a citation of Applicant's specification, page 4 page 26 thru page 5 line 3. Therein, Applicant recites "the CV methodology collects large quantities of historical data from credit card related data files with text or high-categorical data (e.g., postings, authorizations, etc)." Subsequently, Applicant recites "the name of a merchant involved in the transaction is of high categorical value." Accordingly, Applicant considers "high categorical data" to include merchant names, as well as postings and authorizations. In light of the description of the data, and these examples provided, Examiner is unable to discern any reasonable criteria for determining what is high-categorical data.

Furthermore, based on Applicant's remarks filed 10/25/06, where Applicant recites "wherein said merchant names are textual data or other high categorical data", in claim 1, Applicant intends "postings and authorizations" to be considered "other high categorical data". It is unclear how an authorization equates to a merchant name. As is well known in the art, a credit card posting or authorization is unique to a single transaction. As such, co-occurrences of such postings do not exist, and at the very least, a posting is not considered equivalent or analogous to a merchant name.

Art Unit: 3691

Due to the reasons described above, Examiner can not discern what is intended to be included by the phrase "other high categorical data," and as a result, the claims are indefinite.

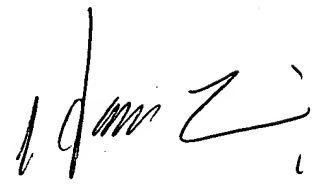
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dan Kesack whose telephone number is 571-272-5882. The examiner can normally be reached on M-F, 9:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on 571-272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3691

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



HANI M. KAZIMI
PRIMARY EXAMINER